

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

IN RE:           BOSTON SCIENTIFIC CORP.  
                  PELVIC REPAIR SYSTEM  
                  PRODUCTS LIABILITY LITIGATION                   MDL NO. 2326

---

THIS DOCUMENT RELATES TO ALL CASES  
ON EXHIBIT A

**MEMORANDUM OPINION AND ORDER**

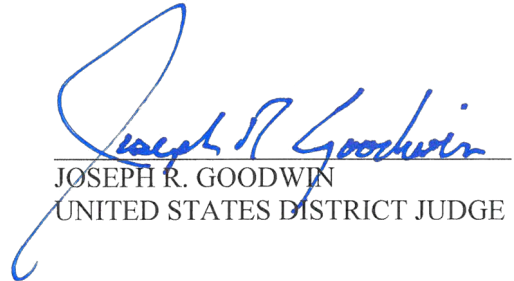
Pending in each case identified in Exhibit A attached, at the ECF No. identified in the exhibit, is Defendant Boston Scientific Corporation's Motion to Dismiss with Prejudice. Defendant Boston Scientific Corporation ("BSC") seeks dismissal of plaintiffs' cases with prejudice based on her failure to file a Plaintiff Fact Sheet pursuant to the requirements of Pretrial Order # 208, *In re: Boston Scientific Corp.*, 2:12-md-2326 [MDL No. 2326, ECF No. 8025]. Plaintiffs have not responded to the motion.

The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that BSC should be dismissed without prejudice from the cases listed on Exhibit A for failure to serve a Plaintiff Fact Sheet in compliance with the court's previous pretrial order.

Therefore, the court **ORDERS** that the motions to dismiss are **GRANTED in part** to the extent BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that BSC is dismissed without prejudice, and these cases are **STRICKEN** from the court's docket.

The court **DIRECTS** the Clerk to file a copy of this Order in each case listed in Exhibit A and to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 10, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

## EXHIBIT A

Civil Action No.	Case Style	ECF No. of Motion
2:13-cv-12004	Ruiz v. Boston Scientific Corporation	13
2:13-cv-13632	Vanderway v. Boston Scientific Corporation	13
2:14-cv-09165	Pullen v. Boston Scientific Corporation	12
2:14-cv-24166	Harris et al v. Boston Scientific Corporation	13
2:15-cv-01104	Garner et al v. Boston Scientific Corporation	16
2:15-cv-16239	Briceno et al v. Boston Scientific Corporation	20
2:16-cv-02203	Mendoza et al v. Boston Scientific Corporation	20
2:16-cv-07106	Mead v. Boston Scientific Corporation	17